



Jesse Geller, Chairmanman  
Christopher Hussey  
Jonathan Book

# *Town of Brookline*

## *Massachusetts*

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TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2013-0083

**Petitioner: Claremont Brookline Suites  
LLC, a Delaware limited partnership**

Petitioner, Claremont Brookline Suites LLC, applied to the Building Commissioner for permission to construct a five-story hotel containing approximately 97,755 square feet of gross floor area with up to 72 parking spaces (the "Project"). The application was denied and an appeal was taken to this Board.

The Board administratively determined that the properties affected were those shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed at 7:00 PM October 24, 2013, in the Selectmen's Hearing Room as the date, time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, their attorney (if any) of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on October 10<sup>th</sup> and 17<sup>th</sup>, 2013, in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

**LEGAL NOTICE  
TOWN OF BROOKLINE  
BOARD OF APPEALS  
NOTICE OF HEARING**

Pursuant to M.G.L., C. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **Claremont Brookline Suites LLC**

Owner: **American Transportation Enterprises, Inc., James P. Chung and Town of Brookline**

Location of Premises: **111 Boylston Street, 10-12 Kerrigan Place, 2 Kerrigan Place and 0 Boylston Street**

Date of Hearing: **October 24, 2013**

Time of Hearing: **7:15 p.m.**

Place of Hearing: **Selectmen's Hearing Room, 6th. floor**

A public hearing will be held for a variance and/or a special permit from

**Section 5.06.4; Special Districts (Davis Path)**

**| Paragraph g.4; Projections into front setback\***

**| Paragraph g.5; Determination of compliance**

**| Paragraph g.7.b; Floor area ratio**

**| Paragraph g.7.c.3; Parking and vehicular requirements**

**Section 5.09; Design Review**

**Section 5.74; Fences and Terraces in rear Yard**

**Section 6.07; Design and Layout of Off-Street Loading Facilities**

**Section 7.00.1.b; Signs in All Districts**

**Section 7.00.1.c; Signs in All Districts (Projecting Banners)\***

**Section 7.00.1.d; Signs in All Districts**

**Section 7.03.1.b.& d; Signs in L,G,I and O Districts**

Of the Zoning By-Law to construct a 5 story limited service hotel

**at 111 Boylston Street**

Said Premise located in G-DP (Davis Path Special District) Business District

***The Citations above, followed by a single asterisk, pertain to projections, and although they are cited, the projections project over State of Massachusetts property. It is the responsibility of the petitioner to gain required approvals from the State.***

*Hearings once opened, may be contained by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date time of any hearing may be directed to the Office of the Town Clerk at 617-730-2007 or check meeting calendar at: [www.brooklinema.gov](http://www.brooklinema.gov).*

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to **Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617)730-2328; TDD (617) 730-2327; or email at rsneirson@brooklinema.gov.***

**Jesse Geller  
Jonathan Book  
Christopher Hussey**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing were Chairman, Jesse Geller , and members Christopher Hussey and Jonathan Book. Elias Patoucheas, President of Claremont Corp, Joseph Geller of Stantec, and Mel Shuman, legal counsel for the Petitioner, presented the case on behalf of Petitioner.

#### **SITE AND NEIGHBORHOOD**

The Project will be located on four existing lots, together with Kerrigan Place, a private way, all of which will be combined into one parcel for the development (the "Site"), including 111 Boylston Street (the former Red Cab site to the east of Kerrigan Place), a front lot to the west of Kerrigan Place at 0 Kerrigan Place, a small town-owned parcel to the east of Kerrigan Place (abutting the T tracks), and a lot which contains a three story, multi-family dwelling located at 10-12 Kerrigan place. An earlier proposal by Leggat McCall in 2007-2008 encompassed the same Site. A proposal in 2011 by GLC included all of Site with the exception of the lot located at 10-12 Kerrigan Place.

Davis Path, a pedestrian way linking Boylston Street and White Place, over the MBTA tracks, is adjacent to the westerly boundary of the Site. The Boylston Street Playground lies immediately to the west of Davis Path. The Green "D" line MBTA railroad tracks run between

the north side of the Site and the south side of the White Place properties. The Petitioner proposes to demolish a blighted warehouse building and a three-decker multi-family home currently located on the Site. With the exception of several trees located along the western property line of 0 Kerrigan Place, the remainder of the Site is paved and primarily used for parking.

The Site slopes down from Boylston Street, with a change in grade of ten feet from the north and south property lines. The surrounding neighborhood includes residential and commercial properties along Boylston Street, the Boylston Street playground, the Old Lincoln School and residential dwellings on White Place, across the MBTA tracks from the Site.

### **APPLICANT'S PROPOSAL**

The Petitioner is proposing to construct a five-story building to be used as a limited service hotel. It is currently anticipated that the hotel will be operated as a Hilton Homewood Suites Hotel. The Project would contain approximately 97,755 square feet of gross floor area, with a floor area ratio of approximately 2.77, and up to 72 parking spaces.

The appearance of the building's mass is commercial along Boylston Street and broken down visually into smaller pieces facing the MBTA property and White Place. The facade of the building is composed primarily of masonry and contains a layered composition of pre-cast concrete, insulated metal panels, and punched window openings of glass. As a result of the Design Advisory Team process, there were a number of material changes made to provide relief in the massing of the building and activation of the street at the pedestrian level. The clapboard, cement board, and metal panel system at the rear of the building steps down to relate to the scale of the houses on White Place.

Parking for up to 72 cars will be located down a ramp leading to an area underneath and behind the building and will not be visible from Boylston Street. Access to the parking area will be off of Boylston Street. The existing curb cut at Kerrigan Place will be reconstructed to accommodate a two-way entrance to the parking area. At the rear of the Site, the garage levels will be screened from White Place with a landscape buffer and fencing. Modifications to the existing curb cut along a portion of Boylston Street adjacent to the hotel entrance will narrow the twelve-foot wide sidewalk area by three (3') feet, thereby increasing the width of the paved roadway area in order to create a drop-off/loading zone. Five levels of hotel rooms and associated common areas and back-of-house facilities rise above the parking level. Mechanical equipment will be housed on the roof and will be screened from view. The building will be used as a limited service hotel with a small meeting room for hotel guests. Limited food service will be available for guests of the hotel.

The Petitioner has met twice with neighbors and the Design Advisory Team (DAT) to refine the site plan and elevations. The DAT consists of Mark Zarrillo and Sergio Modigliani from the Planning Board; Tom Nally from the Economic Development Advisory Board; Angela Hyatt, an architect; and Charles Osborne and Merelice, neighborhood representatives. As a result of this process, numerous material changes were made to the Project to provide relief in the massing of the building and to activate the Boylston Street facade at the pedestrian level. Particular attention was given to ensure that each façade responds directly to its immediate context. The clapboard, cement board, and metal panel system at the rear of the building steps down to relate to the scale of the houses on White Place. Other refinements to the White Place façade include pulling in the fence corners at the rear of the building to allow for landscaping facing White Place, expanding and screening the two terraces in the rear of the building facing

White Place with landscaping, and creating a green roof on the one rear building module which can be viewed from White Place residences. Proposed site landscape improvements include trees and vegetated screening between the western face of the building and Davis Path.

The Project also includes two illuminated "Homewood Suites Hilton" building identification signs (the "Building Identification Signs") – one to be located on the front facade near the western edge of the building, and another on the eastern facade of the building, each of which will rise to a height of approximately 46 feet above ground level. In addition, the proposal includes two banner signs (the "Banner Signs"), a Homewood Suites channel sign above the main entrance to the building on Boylston Street (the "Hotel Entrance Sign"), and another channel sign denoting the main entrance to the parking garage on Boylston Street (the "Parking Entrance Sign").

## **RELIEF REQUESTED**

### **A. 5.06.4.g – Davis Path Special Districts G – (DP)**

#### **1. Paragraph 5 – Determination of Compliance**

Paragraph g.5 of the Davis Path Special District zoning requires that any building facade parallel or within 45 degrees parallel to a property line, other than the eastern property line, be designed with care and quality of design equivalent to the Boylston Street front facade. Visual articulation must be achieved for each facade by (a) employing variations in materials and/or ensuring that no portion of any such facade is coplanar for more than 3,500 square feet without a change in depth of 2 feet or more in depth, or (b) utilizing other design elements that, in the affirmative and written determination of the DAT provide equivalent or better visual relief with respect to building massing, for reasons expressed in such written determination. The DAT and

the Planning Board determined that the façade design complies with this provision by using varied materials, changing the depth of the plane of the building face, and utilizing other design elements that provide equivalent or better visual relief with respect to building massing, including changing the colors of façade materials and visual expressions that more closely integrate each façade with the other buildings relating to that façade so that the Boylston Street façade is more commercial and the other facades more residential in appearance.

## **2. Paragraph 7 – Special Permit for Increased Floor Area Ratio (FAR) and Reduced Parking Requirements**

The Petitioner wishes to increase the permitted FAR for the Site from 1.0 to 3.0 and to reduce the parking requirement to 0.5 spaces per room, with no additional spaces required for eating, drinking, dancing, meeting halls or similar purposes. Paragraph 7 allows an FAR of greater than 1.0 and reduced parking requirements on a lot no less than 28,000 square feet in contiguous area only if the requirements of Section 5.09, Design Review, are satisfied, a special permit is obtained, and the other requirements of Paragraph 7 are satisfied. The Site contains in excess of 28,000 square feet in contiguous area. The requirements of Section 5.09, Design Review, have been satisfied. The other requirements of Paragraph 7, as set forth hereinafter have been met, and the Board has determined that a Special Permit under Section 5.06.4.g.7 should be granted:

- (a) As required by Paragraph 7.a, all underlying provisions described in Section 5.04.6.g.1 to 5.04.6.g.6 have been satisfied, including, without limitation the Building Envelope requirements set forth in Paragraph 3.
- (b) The proposed FAR of 2.77 is within the permitted FAR of 3.0 for the proposed use of the Site, limited service hotel, by Paragraph 7.b.

- (c) The Project complies with the parking and vehicular requirements of Paragraph 7.c, including without limitation, the parking ratio allowed for a limited service hotel, 0.5 spaces per room and no additional spaces required for eating, drinking, dancing, meeting halls or similar purposes.
- (d) As part of the Project, the Petitioner will provide trees along Boylston Street in compliance with Paragraph 7.d.
- (e) In connection with the Project, in compliance with Paragraph 7.e the Petitioner will devote no less than 1% of the hard construction costs (including any site work, above-ground or underground structures, but exclusive of tenant fit-up) towards improvements to the adjacent Davis Path and/or Boylston Street Playground, with such improvements subject to the review and approval of the Director of Parks & Open Space or his/her designee, or, in the alternative, the applicant shall make a cash payment to the Town in an equivalent amount to be utilized by the Town for such purposes.

**B. 5.09 – Compliance with Design Review**

The Petitioner has complied with the provisions of Section 5.09, Design Review, including, the submission of an Impact Statement that addressed the community and environmental standards required by the Zoning By-Law.

**C. Section 5.74 – Special Permit for Fence in Rear Yard Over Seven Feet High**

The Petitioner has requested a Special Permit to permit a fence on a wall along the back edge of the Site separating the Site from the MBTA railroad tracks no higher than nine feet above the natural grade. Fences or walls in the rear yard over seven feet high above the natural grade may be allowed by Special Permit in cases where the Board of Appeals determines that it



is warranted to mitigate noise or other detrimental impacts or to provide greater safety, such as when a property is bounded by active train tracks, as is the case with this property. The Board has determined that in this case, where the Site is bounded by active train tracks, that such a wall and fence is warranted to mitigate noise and other detrimental impacts and to provide greater safety, and that a Special Permit should be granted.

**D. Section 6.07 – Special Permit to Permit Substitution of Dimensional Requirements for Design and Layout of Off-Street Loading Facilities**

Section 6.07 was recently amended by Town Meeting to permit the substitution of dimensional requirements for design and layout of off-street loading facilities by Special Permit from the Board of Appeals. The Petitioner requests a Special Permit to reduce the dimensions of the off-street loading facilities as shown on the plans filed with the Planning Board and the Building Department. The loading demands of a limited service hotel like that proposed for the Project are minimal and will be almost entirely served from the loading area to be provided on Boylston Street, rather than from within the building. The Petitioner's request is consistent with the recommendation of the Director of Engineering/Transportation to the Planning Board and the Board of Appeals, and the Planning Board's recommendation to the Board of Appeals. Based on the foregoing, the Board has determined that a Special Permit under Section 6.07 should be granted.

**E. Article VII – Signs**

**1. Section 7.00.1.b – Special Permit for Signs More Than 25 Feet Above Ground Level**

The Petitioner seeks a Special Permit to permit the two Building Identification Signs to be up to 46 feet above the ground level of the building. Section 7.00.1.b prohibits a sign or other advertising device, or part thereof, to be more than 25 feet above ground level except signs announcing the name of an individual building by special permit of the Board of Appeals. The nature of a hotel, particularly in a location like the Site along a major thoroughfare, requires high visibility signage as a way-finding device. The proposed signs will announce the name of the building and the Board has determined that a Special Permit under Section 7.00.1.b should be granted.

**2. Section 7.00.1.c – Variance for Signs Larger Than 12 Square Feet Projecting More than 12 Inches Out From the Wall to Which It Is Attached**

The Petitioner has requested a variance to permit the Banner Signs, the Hotel Entrance Sign and the Parking Sign to each be larger than 12 square feet and project more than 12 inches out from the wall to which it is attached. Section 7.00.1.c permits the Planning Board to allow signs to project more than 12 inches out from the wall to which it is attached, but limits the size of such signs to 12 square feet. The two proposed Banner Signs each contain approximately 96.5 square feet; the Hotel Entrance Sign contains approximately 48 square feet; and the Parking Sign contains approximately 16.5 square feet. For the reasons discussed below the Board has concluded that a variance to permit these signs should be granted.

**3. Section 7.03.1.d – Variance for Identification Sign Larger Than 12 Square Feet on Wall Not Parallel or Within 45 Degrees of Parallel to the Street**

The Petitioner has requested a variance to permit the Building Identification Sign on the eastern façade of the building to be larger than the permitted 12 square feet. Since the eastern façade is not parallel or within 45 degrees of parallel to the street and the building will contain only a single business, only one identification sign containing 12 square feet is permitted. The proposed identification sign would contain approximately 117 square feet. For the reasons discussed below the Board has concluded that a variance to permit this sign should be granted.

The Site is a very challenging site for development. Projects proposed by two previous developers within the recent past have failed. The Site is extremely large for the neighborhood. The Site is also unique in that it slopes dramatically down from Boylston Street, with a grade change of approximately ten feet from the north and south property lines. A sewer and drain easement runs along the entire back portion of the Site further constraining development. Literal enforcement of these provisions of the By-Law would involve a substantial hardship because development of the Site would otherwise be infeasible. As discussed above, the nature of a hotel, particularly in a location like the Site along a major thoroughfare, requires high visibility signage as a way-finding device. In addition, without the type of signage requested by the Petitioner, it will be extremely difficult if not impossible to find a hotel operator willing to invest its resources in this challenging site. Without a hotel operator, the Project cannot be financed and the Site cannot be developed as a limited service hotel – a use that is permitted and favored by the Davis Path Special District zoning adopted specifically for this Site. Since the Davis Path Special District zoning welcomes and encourages the development of a limited service hotel, affording it the opportunity to build a larger project than any other use (up to an FAR of 3.0 and no higher

than an FAR of 2.25 for any other use), relief permitting larger signage than otherwise permitted to make a limited service hotel feasible, can clearly be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law.

### **FURTHER TESTIMONY AND RECOMMENDATIONS**

The Chairman also asked if anyone in attendance wished to speak in support or in opposition to the petitioner's proposal. Several neighbors voiced support for the Project, stressing that the Developer had worked cooperatively with the neighborhood to refine the proposal to respond to neighborhood concerns. No one spoke in opposition to the Project.

Polly Selkoe, Planner, delivered the findings of the Planning Department, which are set forth in a report regarding the Project from the Planning Board to the Board of Appeals dated October 10, 2013. She indicated that the Planning Board supported all of the relief requested by the Petitioner. Ms. Selkoe also made clear that final and complete plans for the signs must still be submitted, and will be subject to design review by the Planning Board. **Accordingly, the Planning Board recommends approval of the requested relief for the proposal and the submitted plans entitled Site & Architectural Plans, Group One Partners, Inc., dated 9/20/13, and Landscape Plans, Stantec, dated 9/20/13, subject to the following conditions:**

1. Prior to the issuance of a building permit, final plans for the building, indicating façade details, colors, materials, windows, rooftop details, and placement of utilities for HVAC and transformers, shall be submitted for the review and approval of the Planning Board.
2. Prior to the issuance of a building permit, final site and landscaping plans for the development site and the portion of Boylston Street in front of the building, indicating site design; landscaping; fencing; exterior lighting; drainage details; and garage parking, shall be submitted for the review and approval of the Planning Board and the Director of Parks and Open space or his/her designee.

3. Prior to the issuance of a building permit, the design of all signage shall be approved by the Planning Board.
4. In accordance with Section 5.06.g.7.e of the Zoning By-Law, the applicant shall devote no less than 1% of the hard construction costs (including any site work, above-ground or underground structures, but exclusive of tenant fit-up) towards improvements to the adjacent Davis Path and/ or Boylston Street Playground, with such improvements subject to the review and approval of the Director of Parks & Open Space or his/her designee, or, in the alternative, the applicant shall make a cash payment to the Town in an equivalent amount to be utilized by the Town for such purposes.
5. Maintenance of all landscaping and fencing on the site shall be the responsibility of the owner of the building and the site shall be kept free from trash and graffiti.
6. Prior to the issuance of a building permit, a drainage plan shall be submitted for review and approval of the Director of Traffic and Engineering.
7. Prior to the issuance of a building permit, a construction management plan, including parking locations for construction vehicles, location of port-a-potties, and a rodent control plan, shall be submitted for review and approval by the Building Commissioner, with a copy of the approved plan submitted to the Planning & Community Development Department and posted on the Planning & Community Development Department's website.
8. One temporary construction and/or development sign, no greater than 20 square feet, may be erected on site during the construction, with the design subject to the review and approval of the Assistant Director of Regulatory Planning.
9. Prior to issuance of a final building permit for the remainder of the building, the location of the foundation shall be certified by a registered professional engineer or land surveyor to be in accordance with the approved site plan.
10. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor, including fencing, grading, and location of utilities; 2) final building elevations, stamped and signed by a registered architect; 3) final landscaping plans for the site, and the portion of Boylston Street in front of the building, stamped and signed by a registered landscape architect; and 4) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.
11. Prior to the issuance of an occupancy permit, final as-built plans, excluding any final tenant improvements, certified by a registered architect, shall be prepared and filed with the Building Commissioner.
12. Prior to the issuance of the Certificate of Occupancy, the following traffic and parking

mitigation measures shall be completed by the Applicant, subject to the review and approval of the Director of Engineering and Transportation and the Assistant Director of Regulatory Planning:

- a Transportation Demand Management program, including, but not limited to, encouraging the following measures: ride sharing, flex time, subsidizing public transit use by employees.
- appropriate signage and pedestrian safety devices at driveway and service vehicle entries and maintenance of optimal site lines at entries.

The Chairman also called upon Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. The applicant initially met with the Building Department to review plans on August 26, 2013. The applicant formally submitted a set of plans and supporting materials on September 5, 2013 to the Building Department. Mr. Yanovitch said that the Building Department has no objection to the relief requested by the Petitioner, and that all of the relief can be granted as requested. Mr. Yanovitch noted that the proposed signage is appropriate to the use and the structure.

#### **DECISION AND ADDITIONAL FINDINGS**

The Board, having deliberated on this matter and having considered the foregoing testimony, has concluded that it is desirable to grant the requested relief, including the Special Permits and Variances discussed above. The Board has found and determined as follows:

A. With respect to the requested Special Permits, the Petitioner has satisfied the requirements necessary for relief under **Sections 5.06.4.g.5&7, 5.09, 5.74, 6.07, 7.00.1.b** and **9.05** of the Zoning By-Law, and the Board makes the following specific findings pursuant to **Section 9.05** of the Zoning By-Law:

- (i) The specific site is an appropriate location for such a use, structure, or condition.

- (ii) The use as developed will not adversely affect the neighborhood.
- (iii) There will be no nuisance or serious hazard to vehicles or pedestrians.
- (iv) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

B. With respect to the requested Variances, the Petitioner has satisfied the requirements necessary for relief under, and the Board makes the following specific findings pursuant to, **Chapter 40A, Section 10** of the Massachusetts General Laws:

- (i) Owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the Petitioner
- (ii) Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law.

Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to the issuance of a building permit, final plans for the building, indicating façade details, colors, materials, windows, rooftop details, and placement of utilities for HVAC and transformers, shall be submitted for the review and approval of the Planning Board.
2. Prior to the issuance of a building permit, final site and landscaping plans for the development site and the portion of Boylston Street in front of the building, indicating site design; landscaping; fencing; exterior lighting; drainage details; and garage parking, shall be submitted for the review and approval of the Planning Board and the Director of Parks and Open space or his/her designee.
3. Prior to the issuance of a building permit, the design of all signage shall be approved by the Planning Board.
4. In accordance with Section 5.06.g.7.e of the Zoning By-Law, the applicant shall devote no less than 1% of the hard construction costs (including any site work, above-

- ground or underground structures, but exclusive of tenant fit-up) towards improvements to the adjacent Davis Path and/ or Boylston Street Playground, with such improvements subject to the review and approval of the Director of Parks & Open Space or his/her designee, or, in the alternative, the applicant shall make a cash payment to the Town in an equivalent amount to be utilized by the Town for such purposes.
5. Maintenance of all landscaping and fencing on the site shall be the responsibility of the owner of the building and the site shall be kept free from trash and graffiti.
  6. Prior to the issuance of a building permit, a drainage plan shall be submitted for review and approval of the Director of Traffic and Engineering.
  7. Prior to the issuance of a building permit, a construction management plan, including parking locations for construction vehicles, location of port-a-potties, and a rodent control plan, shall be submitted for review and approval by the Building Commissioner, with a copy of the approved plan submitted to the Planning & Community Development Department and posted on the Planning & Community Development Department's website.
  8. One temporary construction and/or development sign, no greater than 20 square feet, may be erected on site during the construction, with the design subject to the review and approval of the Assistant Director of Regulatory Planning.
  9. Prior to issuance of a final building permit for the remainder of the building, the location of the foundation shall be certified by a registered professional engineer or land surveyor to be in accordance with the approved site plan.
  10. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor, including fencing, grading, and location of utilities; 2) final building elevations, stamped and signed by a registered architect; 3) final landscaping plans for the site, and the portion of Boylston Street in front of the building, stamped and signed by a registered landscape architect; and 4) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.
  11. Prior to the issuance of an occupancy permit, final as-built plans, excluding any final tenant improvements, certified by a registered architect, shall be prepared and filed with the Building Commissioner.
  12. Prior to the issuance of the Certificate of Occupancy, the following traffic and parking mitigation measures shall be completed by the Applicant, subject to the review and approval of the Director of Engineering and Transportation and the Assistant Director of Regulatory Planning:



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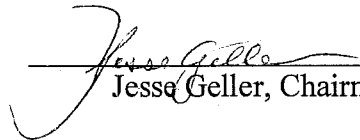
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- a Transportation Demand Management program, including, but not limited to, encouraging the following measures: ride sharing, flex time, subsidizing public transit use by employees.
- appropriate signage and pedestrian safety devices at driveway and service vehicle entries and maintenance of optimal site lines at entries..

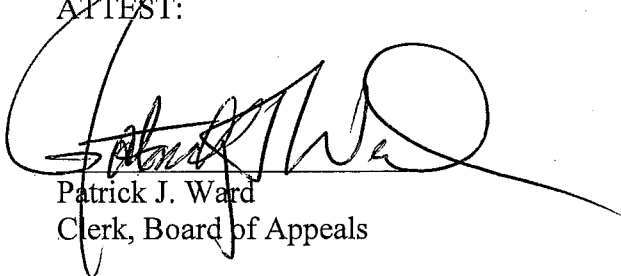
Unanimous Decision of

The Board of Appeals

Filing Date: February 4, 2014

  
Jesse Geller, Chairman

A True Copy  
ATTEST:

  
Patrick J. Ward  
Clerk, Board of Appeals